430

# SUPREME COURT OF THE UNITED STATES.

## No. 84.

UNITED STATES, PLAINTIFF IN ERROR,

vs.

SAMUEL W. DICKSON, AND AL.

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IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

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*Langtree & O'Sullivan, Print.*—1840.

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the judges of the circuit court of the United States, for the Southern District of Mississippi, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or some of you, between the United States of America, plaintiffs, and Samuel W. Dickson, Vincent Murphy, Vernon C. Hicks, James Scott, and Cowles Meade, defendants, a manifest error hath happened, to the great damage of the said plaintiffs, the United States of America, as by their complaint appears.

We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of January next, in the said Supreme Court, to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the law and custom of the United States, should be done.

Witness, the honorable Roger B. Taney, chief justice of the said Supreme Court, the second Monday of January, in the year [SEAL.] of our Lord one thousand eight hundred and thirty-nine, and of the independence of the United States the 64th year.

WM. BURNS,
Clerk of the circt. court of the United States, So. Dist of Miss.

Issued Dec. 1st, 1839.

Pleas before the Honorable Samuel J. Gholson, district judge of the United States. At a circuit court of the United States, held at the town of Jackson, in and for the ninth circuit and southern district of Mississippi, at the November term, in the year of our Lord one thousand eight hundred and thirty-nine.

Be it remembered that heretofore, to wit, on the thirteenth day of February, in the year of our Lord one thousand eight hundred and thirty-nine, came the United States of America, by R. M. Gaines, their attorney, into the clerk's office of the court aforesaid, and sued out the following writ of summons, ad respondendum, against Samuel W. Dickson, et al., to wit:

UNITED STATES OF AMERICA,
*Southern District of Mississippi, ss.*

The President of the United States to the marshal of the Southern District of Mississippi, greeting:

We command you, without delay, to summon Samuel W. Dickson, Vincent Murphy, Vernon C. Hicks, James Scott, and Cowles Meade, that they be and appear before the circuit court of the United States, to be held at the town of Jackson, in and for the district of Mississippi, on the first Monday of May next, to answer to the United States of America, of a plea that they render unto the said plaintiffs the sum of sixty thousand dollars, which they owe to, and unjustly detain from them, to the damage of plaintiffs twenty thousand dollars, and that they do file their plea, or defence, with the clerk of said court, on or before the meeting of the same, or judgment will be given against them by default. And have then there this writ.

Witness the honorable Roger B. Taney, Chief Justice of the [L. S.] Supreme Court of the United States, the 13th day of February, A. D. 1839, and in the independence of the United States the sixty-third.

WM. BURNS, Clk.

Return. We acknowledge service of the within writ, this 14th February, 1839.

SAML. W. DICKSON,
JAMES SCOTT,
VERNON C. HICKS,
VINCENT MURPHY,
COWLES MEADE.

And on the same day of sueing out the writ aforesaid, the plaintiffs, by their attorney aforesaid, filed their declaration herein, which is in the words and figures following, to wit:

UNITED STATES OF AMERICA,
*Southern District of Mississippi.*

Circuit Court U. States, 9th circuit Southern District of Mississippi, May term, 1839.

The United States of America complain of Samuel W. Dickson, Vincent Murphy, Vernon C. Hicks, James Scott, and Cowles Meade, in custody, &c., of a plea that they render unto the said plaintiffs the sum of sixty thousand dollars, which they owe to, and unjustly detain from, the said plaintiffs. For that, whereas, the said defendants, heretofore, to wit, on the 7th day of July, 1834, at the district aforesaid, by the names and signatures of Saml. W. Dickson, Vincent Murphy, V. C. Hicks,

James Scott, and Cowles Meade, made their certain writing obligatory, sealed with their seals, a certified copy whereof is now here shown and produced to the court, the date of which is the same day and year aforesaid, and then are there delivered the same to the said plaintiffs; and, thereby, then and there acknowledged themselves to be held and firmly bound unto the United States of America, in the full and just sum of sixty thousand dollars, money of the United States, to which payment well and truly to be made, they, the said defendants, thereby bound themselves jointly and severally, their joint and several heirs, executors, and administrators, which said writing obligatory was, and is, subject to the following condition thereunder written, to wit:

The condition of the foregoing obligation is such, that whereas the President of the United States hath, pursuant to law, appointed the said Samuel W. Dickson to be receiver of public monies for the district of lands subject to sale at Mount Solus, in the State of Mississippi, for the term of four years, from the 12th day of June, 1834. Now, therefore, if the said Samuel W. Dickson shall faithfully execute and discharge the duties of his office, then the above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue. And the said plaintiffs aver that the said Samuel W. Dickson did not well and truly keep and perform the condition of said bond or writing obligatory, but broke the same in this, to wit: That the said Samuel W. Dickson, as receiver of public monies for the district of lands subject to sale at Mount Solus, in the State of Mississippi, while in the exercise of the said office, to wit, on the 22d day of March, 1838, at the district aforesaid, had received and had then in his hands as receiver as aforesaid, the sum of eleven thousand two hundred and thirty-one $\frac{91}{100}$ dollars of the monies of the United States, and then and there wholly failed and refused to pay the same to the said plaintiffs, in the mode, and within the time prescribed by law, and as he was bound to do by the duty of his said office of receiver.

And the said plaintiffs further say, that the said Samuel W. Dickson further failed to keep and perform the condition of said writing obligatory, and broke the same in this, to wit, that the said Samuel W. Dickson, as receiver of public monies for the district of lands subject to sale at Mount Solus, in the State of Mississippi, while in the exercise of the said office, to wit, on the 16th day of September, 1837, at the district aforesaid, had received, and had then in his hands as receiver as aforesaid, the sum of eight hundred and ninety-eight $\frac{57}{100}$ dollars, received for the plaintiff for the use of the Choctaw schools, and then and there wholly failed and refused to pay the same to the said plaintiffs, within the time and in the manner prescribed by law, and as he was bound to do by the duty of his said office of receiver. And so the said plaintiffs say, that the said Samuel W. Dickson hath not kept and performed the condition of said writing obligatory, but hath broken the same, whereby an action hath accrued to the said plaintiffs, to demand and have of and from the said defendants the said sum of sixty thousand dollars, above demanded. Yet the said defendants, although often requested so to do, have not, nor has either of them as yet, paid to said plaintiffs the said

sum of sixty thousand dollars above demanded, or any part thereof, but so to do have hitherto wholly failed, neglected, and refused, and still do fail, neglect, and refuse, to the damage of the plaintiffs $20,000; and, therefore, they bring suit, &c.

R. M. GAINES,
U. S. Attorney.

*Copy bond sued on.*

Know all men by these presents, that we, Samuel W. Dickson, Vincent Murphy, Vernon C. Hicks, James Scott, and Cowles Meade, are held and firmly bound unto the United States of America, in the full and just sum of sixty thousand dollars, money of the United States, to which payment well and truly to be made, we bind ourselves jointly and severally, our joint and several heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this seventh day of July, in the year one thousand eight hundred and thirty-four.

The condition of the foregoing obligation is such, that, whereas the President of the United States hath, pursuant to law, appointed the said Samuel W. Dickson to be receiver of public monies for the district of lands subject to sale at Mount Solus, in the State of Mississippi, for the term of four years, from the 12th day of June, 1834. Now, therefore, if the said Samuel W. Dickson shall faithfully execute and discharge the duties of his office, then the above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue.

SAML. W. DICKSON, [SEAL.]
VINCENT MURPHY, [SEAL.]
V. C. HICKS, [SEAL.]
JAMES SCOTT, [SEAL.]
COWLES MEADE. [SEAL.]

Sealed and delivered in the presence of
JOHN L. DICKSON.
The signature of V. C. Hicks in the presence of
EDWARD W. JONES.
The signature of James Scott in the presence of
J. H. McRAVEN.
The signature of Cowles Meade in the presence of
DRURY SUMZAL.

Approved August 5th, 1834.

ELIJAH HAYWOOD.

I, George Adams, attorney of the United States of America, for the district of Mississippi, do hereby certify that the within named Vincent Murphy, Vernon C. Hicks, James Scott, and Cowles Meade, are good

and sufficient sureties to the within bond of Samuel W. Dickson, to the United States of America, and I do approve of them as such.

GEO. ADAMS,
Atty. of U. S. for dist. of Mississippi.

July 11th, 1834.

TREASURY DEPARTMENT,
Register's Office, March 30, 1838.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Thomas L. Smith, register of the Treasury Department, do hereby certify that the foregoing bond is a true copy of the original on file in said Department.

T. L. SMITH, Register.

Be it remembered that Thomas L. Smith, Esq., who certified the foregoing transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this thirtieth day of March, 1838.

LEVI WOODBURY. [SEAL.]

And the said defendants, by attorney, come and defend the wrong and injury, when, &c., and crave oyer of the writing obligatory and the condition thereunder written, declared upon by the plaintiffs in *his* declaration, and it is read to them in these words, (copied before in this record.) And thereupon the said defendants say, actio non, because they say, that the defendant, Samuel W. Dickson, did well and truly keep and perform the condition of the said bond, and of this they put themselves upon the country.

ROB'T HUGHES, P. D.
R. M. GAINES,
U. S. Att'y.

And the plaintiffs likewise.

And afterwards, to wit: At the November term of the court aforesaid, to wit, on the 16th day of November, in the year of our Lord one thousand eight hundred and thirty-nine, (until which time this cause was regularly continued,) came the parties by their attorneys, and thereupon came a jury, to wit, Joseph Dunbar, R. S. Drone, S. L. Catchings, Howell Hinds, John B. Fox, T. M. Ellis, Robert McKee, William Britton, B. T. Fearing, E. M. Avery, Samuel Ragsdale, and Ira Lamb, who being empannelled, tried, and sworn well and truly to try the issue joined between the parties, upon their oath do say, they find for the plaintiffs

upon the issue joined, and assess the damages by reason of the breaches of the condition of the writing obligatory in the declaration mentioned, to eleven hundred and fifty-eight dollars and forty-five cents.

Therefore, it is considered by the court, that the said United States of America recover against the said defendants the sum of eleven hundred and fifty-eight dollars and forty-five cents, the damages assessed by the jury aforesaid, and their costs by them about their suit in this behalf expended. And the said defendants in mercy, &c.

*Copy of Bill of Exceptions.*

Be it remembered, that on the trial of this cause, and before the jury retired from the bar, the plaintiffs offered and read in evidence, the bond declared on in the following words and figures, to wit: (Copied in a former part of this record.) The transcripts and papers marked A, B, C, D, and E, were also offered and read in evidence in support of the plaintiffs' action, in the following words and figures, to wit:

TREASURY DEPARTMENT,
General Land Office, 22d March, 1838.

SIR: I have examined and adjusted an account between the United States and Samuel W. Dickson, late receiver of public monies for the Choctaw district, Mississippi, and find that the latter stands chargeable on said account as follows, viz:

| | | |
|---|---|---|
| To balance due to the United states pr. report, No. 3516, dated 16th Sept., 1837, - - - - | | $11,708 73 |
| I also find that he is entitled to the following credits: | | |
| By amount paid Edwards & Phillips for stationary, suspended in the 2d quarter of 1834, for explanation. | | |
| Explanation rec'd, Vou. No. 6. - | $76 12 | |
| Receivers' commissions on the above sum, - | 77 | |
| *Repayments.* | | |
| Repayment to James Smith for N. E.¼, S. E.¼ of section 12.22 W. the said tract having been covered by a pre-emption claim, suspended in the 4th qr. of 1834, for want of proper voucher, Vo. No. 1. - | 50 30 | |
| Repayment to J. N. Casey, for the E.½, S.E.¼ section 8.34, W., the said having been cov- | | |

| | | |
|---|---|---|
| ered by a pre-emption claim, suspended in the 2d qr. of 1835, for want of proper voucher, - - Vo. No. 2. - | $99 78 | |
| Repayment to N. K. Kellum, for the N. E. ¼ S. E. ¼ of section 34. C. 2, the said tract having been previously sold, Vo. No. 3. - | 50 11 | |
| Repayment to Abdon Taylor & Elias Taylor, for the N. W. ¼ of section 6.11, E., change of entry authorized, 27th October, 1834. Suspended in the first quarter of 1835, for want of proper voucher, Vo. No. 4. - | 199 75 | |
| | | $476 83 |
| Leaving a balance due to the United States, on the 22d March, 1838, of - - - - - | | 11,231 90 |
| | | $11,708 73 |

As will appear from the documents and vouchers herewith transmitted, for the decision of the Comptroller of the Treasury thereon.

JAS. WHITCOMB,
Commissioner.

JAMES N. BARKER,
First Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, March 27th, 1838.

Admitted and certified.

J. N. BARKER,
Comptroller.

To the REGISTER OF THE TREASURY.

**Statement of differences occurring in the adjustment of the accounts of Samuel W. Dickson, late receiver of public moneys for the Choctaw district, Mississippi, from the 21st November, 1833, the date of his oath of office, to the 22d March, 1838.**

| | | | |
|---|---|---|---|
| Adjusted cash balance - - - - | | | $11,231 90 |
| Late receiver's cash balance on the 31st March, 1836 - | | | 3,106 09 |
| Difference to his debit - - - - | | | $8,125 81 |
| | *Thus caused.* | | |
| 4th qr. | Error in November returns - | 09 | |
| 1833 | Undercharge of sale of lots No. 1, 2, 3, & 4, of sec. 9.19.9 W. on the 22d November 1833, to Adam Sherly, should be 504 $\frac{40}{100}$ acres, returned for 374 $\frac{40}{100}$ difference 130 $\frac{20}{100}$ a 1 $\frac{25}{100}$ per acre - | $ 162 75 | |
| 1st qr. | Compensation for depositing suspended - - - | 908 11 | |
| 1834 | Repayments, No. 5668, 5669, 5670, 5672, and 5673. No vouchers suspended, - - - | 1,924 42 | |
| | Receiver's commission, overcharged | 1,875 00 | |
| | Amount credited improperly, as error in last acc. - - | 100 09 | |
| 2d qr. | Register's commission, overcharged | | |
| 1834 | in 3d and 4th qrs., 1833, - | 294 74 | |
| | Do do do 1 and 2, 1834, | 368 72 | |
| | Receiver's do do do - | 934 02 | |
| | Do compensation for depositing (two trips) at Natchez suspended, - - - | 94 32 | |
| | G. R. Falls' bill for stationary allowed in 1 and 2 qrs., 1834, - | 30 00 | |
| | Repayments to George Irish, voucher suspended, - - - | 84 15 | |
| | Receiver's commission, overcharged, stated to be a balance making, with previous items, $3,000 in 1833, - - - - | 445 87 | |
| 3d qr. | Register's commission, overcharged, | 202 85 | |
| 1834 | Receiver's do do - | 202 85 | |
| | Do compensation for depositing, suspended, - - | 123 49 | |

| | | | |
|---|---|---|---|
| 4th qr. 1834 | Receiver's comp. for dep'g, susp'd | $372 52 | |
| | Error in receiver's balance brought forward - - - | 04 | |
| 1st qr. 1835 | Register's commission overcharged | 1,875 00 | |
| | Receiver's compensation for depositing, suspended - - | 383 39 | |
| 2d qr. 1835 | Do do do do - | 345 38 | |
| | Do salary for 1st qr. charged in this, allowed in 1st - - | 125 00 | |
| | Do commission overcharged | 1,875 00 | |
| | Error in bringing forward old balance - - - - - | 02 | |
| 3d qr. 1835 | Receiver's compensation for depositing overcharged, by charging transportation to Natchez instead of to Jackson, where made | 339 85 | |
| 4th qr. | Receiver's compensation for depositing, overcharged - - | 335 72 | |
| | J. McRaven's account, as crier, at public sale, disallowed - - | 6 00 | |
| | W. T. Pitman's bill for 4 tin cases | 3 50 | |
| | Receiver's salary overcharged | 125 00 | |
| | Amount erroneously credited for depositing $171,714 00 in the 4th qr., 1833, said deposit having been made at Jackson instead Natchez - - - | 168 50 | |
| | Amount carried forward, (Dollars) | 13,706 39 | |
| | Amount brought forward - - | 13,706 39 | $8,125 81 |
| 4th qr. 1835 | Amount disallowed for the services of H. P. Hurst, for 6 days as clerk a $3 pr. day, two clerks only allowed - - - | 18 00 | |
| 1st qr. 1836 | Charge for postage, suspended, no voucher - - - | 2 25 | |
| | G. R. & J. L. Falls' account for publishing the president's proclamation, suspended, no voucher | 31 20 | |
| | Receiver's salary and commissions overcharged - - - | 1,875 00 | |
| | Register's do do do - | 1,875 00 | |
| | | | 17,507 84 |
| | *Deduct.* | | |
| 4th qr. 1833 | Receiver's compensation for depositing, not charged - - | 190 67 | |

| | | |
|---|---|---|
| | Receiver's commissions on disbursements not charged - - | $278 55 |
| 1st qr. 1834 | Sales of public lands overcredited by receiver - - - | 08 |
| 4th qr. | Register's commission undercharged | 571 57 |
| | Receiver's do do - | 511 87 |
| 1. 1835 | Do do do - | 750 00 |
| 2d qr. 1835 | Register's commissions charged in last quarter allowed in this - | 625 00 |
| 3d. | This amount allowed for depositing $45,462 $\frac{51}{100}$ at Natchez the 1 and 2d qr. 35 - - - | 82 09 |
| | do do depositing $429,687 $\frac{60}{100}$ in the 2d and 3d qrs. of 1834 at Jackson - - - | 52 95 |
| | do do depositing $362,623 $\frac{21}{100}$ in the 1st and 2d qr. of 1835 at Jackson - - | 46 25 |
| | do do do $218,090 36 in the 1st, 2d, 3d, and 4th qrs. of 1834 at Natchez - - | 359 48 |
| | Receiver's salary and commissions not charged - - - | 750 00 |
| 4th | Register's commissions in the 3d and 4th quarter, 1835 - - | 1,250 00 |
| | Receiver's commissions in this - | 625 00 |
| 1st qr. 1836 | " compensation for depositing undercharged - - | 13 61 |
| 1, 1836 | Transportation 10 miles $\frac{750}{883}$ - | 16 33 |
| | Amount of warrant No. 2,313 dated 30th September, 1836, pr. report No. dated 23d Jan. 1837 - - - - | 3,148 41 |
| | Receiver's commissions on 893 $\frac{83}{100}$ purchase money of lands sold on account of the Choctaw school fund - - - - | 9 03 |
| | Amount of purchase money for the W. ½ N. E. ¼ of section 18, c. N. 5, erroneously numbered and included in report No. 346, on the 3 quarter 1835, with which the receiver is charged in report No. 3,432, dated 16th September, 1837, on account of the Choctaw school fund - - - | 100 16 |
| | Amount of short credit in receiver's salary in the 2d qr. of 1834 - | 21 |

| | | |
|---|---|---|
| Commission on disbursements in report No. of this date - | 77 | $9,382 03 |
| Difference to his debit, (dollars) | | $8,125 81 |

General Land Office, 22d March, 1838.

WM. O. SLADE, Accountant.

F. D. C. O.—20th March, 1838.

JAS. LARNED.

TREASURY DEPARTMENT,

Register's Office, March 30th, 1838.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Thomas L. Smith, register of the Treasury Department, do hereby certify, that the foregoing are true transcripts from the books and proceedings of the Treasury.

T. L. SMITH, Register.

Be it remembered, that Thomas L. Smith, Esquire, who certified the aforegoing transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the United States, have hereunto subscribed my name and caused to be [SEAL.] affixed the seal of this department, at the city of Washington, the 30th day of March, in the year of our Lord 1838.

LEVI WOODBURY,
Secretary of the Treasury.

GENERAL LAND OFFICE, 31st August, 1839.

No. 4149.

SIR: I have examined and adjusted an account between the United States and Samuel W. Dickson, late receiver of public moneys, Choctaw District, Miss., and find that the latter stands chargeable on said account, as follows, viz:

| | | |
|---|---|---|
| To balance due the United States, as pr. report No. 4,011, dated 24th January, 1838 - - - - | | $10,620 11 |
| I also find that he is entitled to the follow credits, viz: | | |
| By amount of change of entry of lands purchased by Horace Carpenter, George Irish and Henry T. Irish, pr. certificates 5,668, 5,669, 5,670, 5,672 and 5,673, for other lands pr. certificate 17,130, 17,131, 17,131, 17,132, 17,133, 17,134, 17,135, and 17,136, authorized 12th April, 1833, suspended in the 1st quarter 1834 for want of voucher. Voucher No. 5 received and now allowed - - | $1,924 42 | |
| By amount of change of entry of land purchased by Henry T. Irish pr. certificate 5,671, for other land pr. certificate 17,212, authorized 12th April, 1833, suspended in 2d quarter 1834, for want of voucher. Voucher No 5 received and now allowed. - - - | 84 15 | 2,008 57 |
| Leaving a balance due to the United States of | | 8,611 54 |
| | | $10,620 11 |

As will appear from the document and voucher herewith transmitted for the decision of the 1st Comptroller of the Treasury thereon.

JAS. WHITCOMB,
Commissioner.

JAMES N. BARKER, First Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, September 2d, 1839.

Admitted and certified.

J. N. BARKER,
Comptroller.

To the REGISTER OF THE TREASURY.

**Statement of differences occurring in the adjustment of the account of Samuel W. Dickson, late receiver at Choctaw district, Mississippi.**

| | | |
|---|---|---|
| Adjusted cash balance - - - - - | | $8,611 54 |
| Late receiver's old balance - - - - - | | 3,106 09 |
| Difference | | $5,505 45 |
| Thus caused—previous difference | $7,514 02 | $7,514 02 |
| *Deduct.* | | |
| Amount purchase money for land erroneously entered by Horace Carpenter, George Irish, and Henry T. Irish, Dec. 6, 1830, pr. certificates 5,668, 5,669, 5,670, 5,672, and 5,673, applied on the 29th March, 1834, to the purchase of other lands pr. certificates 17,130, 17,131, 17,132, 17,133, 17,134, 17,135, and 17,136, a change of entry being authorized 12th April, 1833, which amount was suspended in 1st quarter 1834, for want of voucher. | | |
| Voucher No. 5, received and now allowed | 1,924 42 | |
| Amount purchase money for lands erroneously entered by Henry T. Irish, Dec. 6, 1833, pr. certif. 5,671, applied on the 21st April, 1834, to the purchase of other lands pr. certificate 17,212, a change of entry being authorized 12th April, 1833. Suspended in 2d qr. 1834 for want of voucher. Voucher No. 5 rec'd, and now allowed - - - - - | 84 15 | 2,008 57 |
| Difference as above | | $5,505 45 |

WM. O. SLADE.

2d September, 1839.
JAS. LARNED.

TREASURY DEPARTMENT,

Register's Office, September 23d, 1839.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and the receivers of public money, I, Thomas L. Smith, Register of the Treasury Department, do hereby certify, that the annexed is a true transcript from the books and proceedings of the Treasury.

T. L. SMITH, Register.

Be it remembered, that Thomas L. Smith, Esq., who certified the foregoing transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this twenty-third day of September, in the year of our Lord 1839.

LEVI WOODBURY,
Secretary of the Treasury.

No. 2,935.

TREASURY DEPARTMENT,
General Land Office, Sept. 18th, 1835.

I have examined and adjusted an account between the United States and Samuel W. Dickson, receiver of public moneys for the Choctaw district, Mississippi, for the sale of lands reserved by the treaty of 18th Oct., 1820, for the use of the Choctaw schools, and find that the latter stands chargeable on said account, viz:

| | |
|---|---|
| To amount of the purchase money of lands sold from 22d Nov., to 31st Dec., 1833, inclusive - - - | $598 01 |
| Balance due to the U. States on 31 Dec., 1833 - - | $598 01 |

As appears from the documents and vouchers herewith submitted for the decision of the first Comptroller of the Treasury thereon.

ETHAN A. BROWN,
Com'r Gen'l Land Office.

To JOSEPH ANDERSON, Esq., First Comptroller.

TREASURY DEPARTMENT, Comptrollor's Office,
March 9th, 1836.

Admitted and certified.

JNO. LAMB,
Acting Comptroller.

To the REGISTER OF THE TREASURY.

No. 3,432.

TREASURY DEPARTMENT,
General Land Office, 16th September, 1837.

SIR: I have examined and adjusted an account between the United States and Samuel W. Dickson, late receiver of public monies at Mount Solus, Mississippi, for the sale of lands reserved by the treaty of the 18th Oct., 1820, for the use of the Choctaw schools, and find that the latter stands chargeable on said account, as follows, viz:

| | | |
|---|---|---|
| To balance due to the United States on the 31st Dec'r, 1833, per report No. 2935, dated 18th Sept., 1835 - - | | $598 01 |
| To amount of purchase money of lands sold during the period embraced in the report, viz: from the 1st Jan'y, 1834, to 31st March, 1836, both inclusive, (acres 95,550) - | | 1,094 22 |
| To amount of purchase money for the west $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of section 18; 16 N. 5 E. containing $80\frac{13}{100}$ acres, a $\$1\frac{25}{100}$ per acre; erroneously numbered and included in report No. 3146, on the 3d qr. 1835, and with which the receiver is credited in report of this date, No. 3516 - - - | | 100 16 |
| | | $1,792 39 |

I also find that he is entitled to the following credit:

| | | |
|---|---|---|
| By amount of warrant No. 1723, in favor of the Treasurer of the United States, dated the 30th September, 1835, on account of said schoool fund - - - - - - - | $893 82 | |
| | | $893 82 |
| Leaving a balance due the U. States, on the 16th Sept., 1837, of - - - - - | | 898 57 |
| | | $1,792 39 |

As will appear from the register of abstracts of lands sold during said periods, and vouchers herewith transmitted for the decision of the first comptroller of the Treasury thereon.

JAS. WHITCOMB,
Commissioner.

GEORGE WOLF, Esq., First Compt.

TREASURY DEPARTMENT,
Comptroller's Office, September 30th, 1837.

Admitted and certified.

GEO. WOLF, Comptroller.

To the REGISTER of the Treasury.

TREASURY DEPARTMENT,
Register's Office, May 26th, 1838.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Thomas L. Smith, Register of the Treasury Department, do hereby certify that the aforegoing is a true transcript from the books and proceedings of the Treasury.

T. L. SMITH, Register.

Be it remembered, that Thomas L. Smith, Esq., who certified the aforegoing transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name, [L. S.] and caused to be affixed the seal of this department, at the city of Washington, this twenty-sixth day of May, in the year of our Lord 1838.

LEVI WOODBURY,
Secretary of the Treasury.

No. 4,011.

GENERAL LAND OFFICE,
24th January, 1839.

SIR: I have examined and adjusted an account between the United States and Samuel W. Dickson, late receiver of public monies at the Choctaw district, Mississippi, and find that the latter stands chargeable on said account as follows, viz:

| | | |
|---|---|---|
| To balance due to the United States per report No. 3636, dated 22d March, 1838 - - | | $11,231 90 |
| I also find that he is entitled to the following credits, viz: | | |
| By amount of warrant No. 2880, in favor of the Treasurer of the United States, dated 31st March, 1838, viz: | | |
| By payment to Planters' Bank Miss., 19th June, 1837 - - - - - | $300 00 | |
| Warrant No. 3090, in favor of the Treasurer of the United States, dated 25th Sept., 1838, viz: | | |
| Payment to Bank of Metropolis, special account, by Charles Ellis, Sept. 4th, 1838 - | 305 67 | |
| By late receiver's commission in the sum accounted for - - - - - - | 6 12 | |
| | | $611 79 |
| Leaving a balance due to the United States, of - - - - - - - | | 10,620 11 |
| | | $11,230 90 |

As will appear from the documents herewith transmitted for the decision of the first comptroller of the Treasury thereon.

JAS. WHITCOMB,
Commissioner.

JAMES N. BARKER,
First Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, January 26th, 1839.

Admitted and certified.

J. N. BARKER, Comptroller.

To the REGISTER of the Treasury.

TREASURY DEPARTMENT,
Register's Office, January 28th, 1839.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Thomas L. Smith, register of the Treasury Department, do hereby certify that the annexed is a true transcript from the books and proceedings of the Treasury.

T. L. SMITH, Register.

Be it remembered, that Thomas L. Smith, Esq., who certified the foregoing transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name, [L. s.] and caused to be affixed the seal of this department, at the city of Washington, this twenty-eighth day of January, in the year of our Lord 1839.

LEVI WOODBURY,
Secretary of the Treasury.

(*A copy of the report sent to the First Comptroller.*)

No. 125.

TREASURY DEPARTMENT,
General Land Office, October 2d, 1839.

I hereby certify that I have examined and adjusted an account between the United States and Samuel W. Dickson, late receiver of public monies at Mt. Solus, (now Jackson,) and find that the sum of one thousand two hundred and nine dollars and thirteen cents is due from the United States unto the said Samuel W. Dickson, being the amount of five treasury notes issued pursuant to the provisions of the act of the 12th of Oct., 1837, and the 21st of May, 1838, to authorise the issue of treasury notes, and received from Charles Ellis, in behalf of the said Samuel W. Dickson, on account of an unsettled balance due the U. States, viz:

| | |
|---|---|
| 3 treasury notes issued pursuant to the act of the 12th Oct., 1837, amounting to - - - - - - | $150 00 |
| Interest thereon - - - - - - - | 2 09 |
| | $152 09 |

| | |
|---|---|
| 2 treasury notes issued pursuant to the act of the 21st May, 1838, amounting to | $1,050 00 |
| Interest thereon | 7 04 |
| | $1,057 04 |

The letter, date, No., amount, &c., of each of said notes being specified in the abstract herewith.

| | |
|---|---|
| Aggregate of treasury notes | $1,200 00 |
| Aggregate of interest thereon | 9 13 |
| | $1,209 13 |

As appears from the statement, abstract, and cancelled notes, herewith transmitted for the decision of the comptroller of the Treasury thereon.

[$1,209$\frac{13}{100}$.] JAS. WHITCOMB,
Commissioner.

To JAMES N. BARKER,
First Comptroller of the Treasury.

The defendants then proved the receipt into the receiver's office, of large sums of money by the receiver, amounting to more than $250,000 in each year, of the deft. Dickson's continuance in office; and, also, to like amount of more than $250,000 for the fraction of a year, commencing on the 22d Nov., 1835, and ending July 26th, 1836, it being admitted that he went into office on the 22d Nov., 1833, and resigned on the 26th July, 1836; the defendants also proved the depositing of sufficient amounts, in Natchez, to entitle him to credit for the disputed items mentioned in the transcript A, for depositing. Upon this evidence the court charged the jury that the defendant Dickson was entitled to credit for $3,000, as compensation, including his salary of $500, for the year commencing Nov. 22d., 1833, and ending Nov. 22d, 1834. That he was entitled to the same compensation for the year commencing Nov. 22d, 1834, and ending Nov. 22d, 1835, and that for the fraction of a year, between the 22d Nov., 1835, and the 26th July, 1836, he was entitled to $2,500 for commissions: to which opinion and charge of the court, the attorney of the United States excepted, before the jury retired from the bar, and now excepts and prays that this bill of exceptions may be signed, sealed, enrolled, and made a part of the record, which is done accordingly.

S. J. GHOLSON, [SEAL.]

UNITED STATES OF AMERICA, *Southern District of Mississippi, sct.*
*Circuit Court of the United States.*

I, William Burns, clerk of the said circuit court, do certify that the foregoing is a true and complete transcript of the record in a cer-

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tain action of assumpsit lately decided in our said court, between the parties therein named, as fully and completely as the same now remains of record in my office.

In testimony whereof, I hereunto set my hand and affix the [SEAL.] seal of said court, this 8th day of January, in the year of our Lord one thousand eight hundred and forty.

WM. BURNS, Clk.